IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6873 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PATEL MAFATLAL AMATHARAM

Versus

STATE OF GUJARAT

Appearance:

MRS DT SHAH for Petitioner

MR DA BAMBHANIA for Respondent No. 1

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 13/04/2000

ORAL JUDGEMENT

Heard Mrs. D.T. Shah, learned counsel for the petitioner and Ms. B.R. Gajjar, learned AGP representing State respondent.

Learned counsel for the petitioner submitted that the petitioner was appointed as Junior Clerk by the respondent on 3-7-1981. There is a condition in the appointment of the petitioner that, the will have to clear the Departmental Examination. Learned counsel for the petitioner submitted that the petitioner could not clear the departmental examination even after five attempts, and the respondent Government has terminated his services by order dated 2-11-1987. It is further submitted by learned counsel for the petitioner that, subsequently in July 1988 the Government issued a circular wherein it has been said that, even if an employee who could not clear the departmental examination in five attempts he should not be terminated immediately and should be given another chance. Learned counsel for the petitioner further submitted that, she has the information that the petitioner has again been reinstated or reemployed in service. In case if the petitioner finds any difficulty in continuing on the post for not clearing the examination and/or if he faces any difficulty he should be permitted to move this Court afresh.

Having regard to the submission of all the parties, I am of the view that the present petition has become infructuous and it should be dismissed, and accordingly this petition is dismissed. Rule discharged. Interim relief granted earlier stands vacated. However petitioner is permitted to move this Court in case he finds any difficulty in continuing in his post.

Dt: 13-4-2000

(P.K. Sarkar, J)

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